IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5843 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

TIRUPATI SHIP BREAKING CO.

Versus

METAL SCRAP TRADE CORPORATION LTD.

Appearance:

1. Special Civil Application No. 5843 of 1985
NOTICE SERVED for Petitioner No. 1
MR MJ THAKORE for Respondent No. 1

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 06/03/2002

ORAL JUDGEMENT

Shree Tirupati Ship Breaking Company-petitioner has filed this petition with a prayer

to direct the respondent Corporation to register the petitioner's name for allotment of ship for braking and/or scrapping on the basis of its application dated 17.9.1983 and further to treat the petitioner in the seniority list on the basis of its having made application dated 17.9.1983 and completed all formalities including the financial arrangements, allot to the petitioner ship for breaking and/or scrapping on the basis of first come first serve and to allot to the petitioner vessel or ship for breaking and/or scrapping on the basis of its application dated 17.9.1983 for registration.

2. This petition was filed on 28.10.1985. The matter was admitted on 29.10.1985.

3. Mr. M.J. Thakore, senior advocate along with Ms. Megha Jani, advocate, appears on behalf of the respondent. The learned counsel also relied on the Regulations called "The Gujarat Maritime Board (Conditions and Procedures for granting permission for utilising shipbreaking plots) Regulation, 1994. He has also produced Gujarat Maritime Board Act, 1981 and in exercise of powers conferred by Sections 37, 38, 39, 41 and 110 and other enabling provisions of the Gujarat Maritime Board Act, 1981, the Gujarat Maritime Board with the previous approval of the Government of Gujarat in Ports and Fisheries Department letter dated 15.6.1984 enacted the Regulation known as the Gujarat Maritime Board (Conditions and Procedures for granting permission for utilising shipbreaking plots) Regulation, 1994.

4. The learned counsel has stated that pursuant to the aforesaid Regulations, auctions have been held in 1994 for giving plots to the concerned persons. In view of this subsequent development, the grievance raised by the petitioner does not survive. The petition is rejected accordingly. Rule is discharged with no order as to costs.

(K.M. MEHTA, J)
(pkn)